



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Election
attack.
3/14/03

In re the application of: Margaret Shipp *et al.*

Group Art Unit: 1648

U.S. Serial No.: 09/830,762

Examiner: U. Winkler, Ph.D.

Filing Date: October 12, 2001

International Serial No.: PCT/US99/25439

International Filing Date: October 29, 1999

For: "Lymphoma Associated Molecules and
Uses Therefor"

Attorney Docket No.: DFN-031US

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March 4, 2003

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By:

Maria Laccotripe Zacharakis, Ph.D.
Limited Recognition Under 37 C.F.R. §10.9(b)
Attorney for Applicants

RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action dated February 4, 2003 (Paper No. 10).

The Examiner has required restriction to one of the following inventions under 35 U.S.C. §121.

Group I, claim(s) 1-10 and 20, drawn to an isolated nucleic acid (SEQ ID NO:1 and 3) that encodes a polypeptide (SEQ ID NO:2).

Group II, claim(s) 1-10 and 20, drawn to an isolated nucleic acid (SEQ ID NO:4 and 6) that encodes a polypeptide (SEQ ID NO:5).

Group III, claim(s) 11-13, drawn to an isolated polypeptide, SEQ ID NO:2.

Group IV, claim(s) 11-13, drawn to an isolated polypeptide, SEQ ID NO:5.

Group V, claim(s) 14 and 17, drawn to an antibody that recognizes the polypeptide, SEQ ID NO:2.

Group VI, claim(s) 15-16, drawn to a method of detecting the polypeptide of SEQ ID NO:2.

Group VII, claim(s) 14 and 17, drawn to an antibody that recognizes the polypeptide, SEQ ID NO:5.

Group VIII, claim(s) 15-16, drawn to a method of detecting the polypeptide of SEQ ID NO:5.

Group IX, claim(s) 18-19, drawn to a method of detecting the nucleic acid of SEQ ID NO:1 and 3 or a nucleic acid encoding the polypeptide of SEQ ID NO:2.

Group X, claim(s) 18-19, drawn to a method of detecting the nucleic acid of SEQ ID NO:3 and 6 or a nucleic acid encoding the polypeptide of SEQ ID NO:5.

Group XI, claim(s) 21-24 drawn to a method of identifying a compound that binds or modulates the activity of the polypeptide of SEQ ID NO:2.

Group XII, claim(s) 21-24 drawn to a method of identifying a compound that binds or modulates the activity of the polypeptide of SEQ ID NO:5.

Applicants hereby elect the Group I invention (claims 1-10 and 20) directed to an isolated nucleic acid (SEQ ID NO:1 and 3) that encodes a polypeptide (SEQ ID NO:2) for prosecution in this application, *with traverse*.

Applicants traverse the restriction between the inventions of Groups I-II. Applicants respectfully submit that the inventions of Groups I-II are directed to nucleic acid molecules that encode polypeptides belonging to the same family of BAL polypeptides. The nucleic acid molecules of Groups I-II share structural and functional characteristics. Specifically, the human BAL and the murine BAL nucleic acid molecules share a 71.7% identity (see Figure 4) and encode proteins that share the same functional domains and the same activity.

Pursuant to the policy set forth in 1192 O.G. 68, a reasonable number of nucleotide sequences is allowed to be claimed in a single application. It has been determined that normally ten sequences constitute a reasonable number for examination purposes and, thus, up to ten independent and distinct nucleotide sequences are often examined in a single application without restriction. M.P.E.P. §803.4. Applicants, therefore, request that the Examiner examines Groups I-II.

Applicants respectfully submit that a sufficient search and examination with respect to the inventions of Groups I-II can be made without serious burden on the Examiner. As the M.P.E.P. states:

[i]f the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

M.P.E.P. § 803.

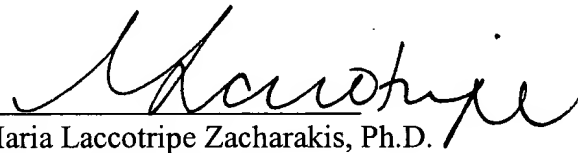
The inventions of Groups I-II must theoretically both be classified in the same class and subclass (even though the Examiner has not assigned any class or subclass to any of the groups set forth in the Restriction Requirement). As such, the searches with regard to these inventions would be co-extensive and would not involve a serious burden on the Examiner. Applicants, therefore, request that the Examiner examines Groups I-II.

Applicants reserve the right to traverse the restriction between the non-elected groups in this or a separate application.

SUMMARY

If a telephone conversation with Applicants' Attorney would expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' Attorney at (617) 227-7400.

Respectfully submitted,



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Limited Recognition Under 37 C.F.R. §10.9(b)

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Dated: March 4, 2003